



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,930	09/04/2003	Geoffrey B. Rhoads	P0877	8366
23735	7590	11/29/2007		
DIGIMARC CORPORATION 9405 SW GEMINI DRIVE BEAVERTON, OR 97008			EXAMINER PERUNGAVOOR, VENKATANARAY	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 11/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/656,930

Applicant(s)

RHOADS ET AL.

Examiner

Venkat Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/18/2007 has been entered.

Response to Arguments

Applicant's arguments filed 10/18/20207 have been fully considered but they are not persuasive. The Applicant seasonably traverses Claims 1, 3, 8, 10-11, 12, 14, 17, and 20. And therefore, each will be rebutted here.

Regarding Claim 1, 3, 12, 14, the Applicant argues that the reference code is not included in the digital representation. That is, the requestor identification code is being sent to the validation requestor and not part of the image data.

Kodak discloses the extraction of substring(which has been encoded) from the image data for use in an algorithm see Col 5 Ln 37-44. And further, Cooperman makes it even more clear that digital data includes additional information that has been encoded see Abstract & Col 9 Ln 27-31.

Regarding Claim 11, the Applicant argues that cryptographic hash has been included to be equivalent to digital signature if not broaden the limitation.

The Applicant admission that digital signature and cryptographic hash are equivalents, means that the recitation is met by Kodak.

Application/Control Number:
10/656,930
Art Unit: 2132

Page 3

Regarding Claim 17, the Applicant argues that the absence of checking authenticity before sending the digital representation.

Kodak discloses a number of codes including pre-approval code, validation requestor identification code being sent to the CAA for authentication see Col 3 Ln 20-30.

Regarding Claim 10, 20, the Applicant argues that routing a signal to a remote system based on part on the reference code is absent in Kodak.

Kodak discloses the reference code(validation code) being used to pick an algorithm see Col 3 Ln 15-20. And further, this algorithm being used to route at algorithm switch see Fig. 3.

Regarding Claim 8, the Applicant argues that there is no teaching of receiving code from the user.

Kodak discloses the receiving code from the user and being used for processing afterwards see Col 3 Ln 12-20.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1-3, 5-8, 10-15, 17-20 are rejected under 35 U.S.C. 102(a) as being anticipated by EP0650146 A1 to Eastman Kodak Company(Kodak) in view of US Patent 5613004 to Cooperman et al.(hereinafter Cooperman).

Regarding Claim 1, 20, 11, 18, Kodak discloses the storage system which stores the second authentication information see Fig. 1 item 30; a processor having an information reader see item 20; and processor to retrieve second authentication information see item 50, 80 and recover the first authentication information and compare with second authentication information to determine authenticity see Abstract & Col 5 Ln 22-Col 6 Ln 10 & Col 6 Ln 5-8 & Col 11-15. But does not disclose the embedding of first information. However, Cooperman discloses the embedding of first information see Col 5 Ln 30-48. It would be obvious to one having ordinary skill in the art at the time of the invention to include in the invention of watermarking/embedding in order to make it visually imperceptible see Col 5 Ln 60-66.

Regarding Claim 3, 15, Kodak discloses the storage system which stores the second authentication information see Fig. 1 item 30; a processor having an information reader see item 20; and processor to retrieve second authentication information see item 50, 80 and recover the first authentication information and compare with second authentication information to determine authenticity see Abstract & Col 5 Ln 22-Col 6 Ln 10 & Col 6 Ln 5-8 & Col 11-15. But does not disclose the embedding of first information. However, Cooperman discloses the embedding of first information see Col 5 Ln 30-48. It would be obvious to one having ordinary skill in the art at the time of the invention to include in the invention of watermarking/embedding in order to make it visually imperceptible see Col 5 Ln 60-66; the validation requestor identification code being sent to CAA to obtain other codes and for storage see Col 3 Ln 21-34.

Regarding Claim 4, Kodak discloses the second authentication is based on semantic information contained in the image see Col 5 Ln 1-11; the authentication information reader includes a semantic information reader and authentication information maker see Col 5 Ln 37-44.

Regarding Claim 5, Kodak discloses the authenticity of the code being verified to the source see Fig. 1 item 90.

Regarding Claim 6, Kodak discloses the digitalizing of photos see Col 3 Ln 3-7.

Regarding Claim 7, Kodak pre-approval code being used and the algorithm is being used to be verified with CAA and the card see Col 6 Ln 58- Col 7 Ln 4.

Regarding Claim 8, 14, Kodak discloses the PIN number being inputted by the user see Col 7 Ln 20-25.

Regarding Claim 10, Kodak discloses the plurality of devices and routing codes see Col 6 Ln 23-39.

Regarding Claim 12, 14, 17, Kodak discloses the digitalizing of photos see Col 3 Ln 3-7; further discloses the storage system which stores the second authentication information see Fig. 1 item 30; a processor having an information reader see item 20; and processor to retrieve second authentication information see item 50, 80 and read the first authentication information and compare with second authentication information to determine authenticity see Abstract & Col 5 Ln 22-Col 6 Ln 10. But does not discloses the embedding of first information. However, Cooperman discloses the embedding of first information see Col 5 Ln 30-48. It would be obvious to one having ordinary skill in the art at the time of the invention to include in the invention of watermarking/embedding in order to make it visually imperceptible see Col 5 Ln 60-65.

Regarding Claim 19, Kodak discloses the photo ID see Col 2 Ln 16-19, photo being scanned in photo software see Col 4 Ln 31-33, and the tagging of photos see Col 4 Ln 34-38.

Regarding Claim 21, Kodak discloses the indication of authenticity of the digital representation see Col 3 Ln 53- Col 4 Ln 2.

Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP0650146 A1 to Eastman Kodak Company(Kodak) in view in view of US Patent 5613004 to Cooperman et al.(hereinafter Cooperman) further in view of US Patent 5467447 to Vogel.

Regarding Claim 9, Kodak discloses the authentication of read information see Abstract. But does not explicitly disclose analog form containing a security pattern and associating the pattern with digital representation. However, Vogel disclose the analog form containing a security pattern see Fig. 1 item 5 and 6 and associating the pattern with digital representation see Fig. 11 item 24. It would be obvious to one having ordinary skill in the art at the time of the invention to include the analog form containing a security pattern and associating the pattern with digital representation in the invention of Kodak in order to further improve security by an texture feature see Col 3 Ln 20-30.

Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP0650146 A1 to Eastman Kodak Company(Kodak) in view of US Patent 5475205 to Behm et al.(hereinafter Behm).

Regarding Claim 16, Kodak does not disclose the locating of authentication information. However, Behm discloses the locating of the information on the document and checking for authenticity see Abstract & Col 6 Ln 15-24. It would be obvious to one having ordinary skill in the art at the time of the invention to include the information on the document and checking for authenticity in the invention of Kodak in order to have defined portion dedicated to authentication information see Col 5 Ln 13-26.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

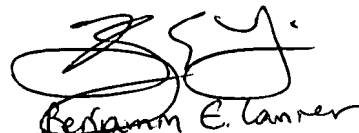
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from

Application/Control Number:
10/656,930
Art Unit: 2132

Page 7

either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VP/
Venkat Perungavoor
Examiner
Art Unit 2132
November 19, 2007


Benjamin E. Lanner
Primary Examiner
Art Unit 2132